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TABLE C94-5.2—CREDIT GENERATION: PURCHASING A ULEV OR ZEV TO MEET THE MANDATE

CO	Light HDV	Medium HDV
LEV	0.00	0.00
ULEV	1.00	1.00
ZEV	2.00	2.00

TABLE C94-5.3—CREDIT NEEDED IN LIEU OF PURCHASING A LEV TO MEET THE MANDATE

CO	Light HDV	Medium HDV
LEV	1.00	1.00

[58 FR 11901, Mar. 1, 1993, as amended at 59 FR 50082, Sept. 30, 1994, 61 FR 128, Jan. 3, 1996]

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AUTHORITY: 42 U.S.C. 7521, 7522, 7523, 7524, 7525, 7541, 7542, 7543, 7545, 7547, 7549, 7550, and 7601(a).

SOURCE: 59 FR 31335, June 17, 1994, unless otherwise noted.

Subpart A—General

§ 89.1 Applicability.

(a) This part applies for all compression-ignition nonroad engines (see definition of “nonroad engine” in § 89.2) except those specified in paragraph (b) of this section. This means that the engines for which this part applies include but are not limited to the following:

(1) Compression-ignition engines exempted from the requirements of 40 CFR Part 92 by 40 CFR 92.907;

(2) Compression-ignition engines exempted from the requirements of 40 CFR Part 94 by 40 CFR 94.907;

(3) Portable compression-ignition engines that are used in but not installed in marine vessels (as defined in the General Provisions of the United States Code, 1 U.S.C. 3);

(4) Non-propulsion compression-ignition engines used in locomotives; and

(5) Compression-ignition marine engines with rated power under 37 kW.

(b) (1) *Aircraft engines*. This part does not apply for engines used in aircraft (as defined in 40 CFR 87.1).

(2) *Mining engines*. This part does not apply for engines used in underground mining of engines used in underground mining equipment and regulated by the Mining Safety and Health Administra-

tion (MSHA) in 30 CFR Parts 7, 31, 32, 36, 56, 57, 70, and 75.

(3) *Locomotive engines*. This part does not apply for engines that:

(i) Are subject to the standards of 40 CFR part 92; or

(ii) Are exempted from the requirements of 40 CFR part 92 by exemption provisions of 40 CFR part 92 other than those specified in 40 CFR 92.907.

(4) *Marine engines*. This part does not apply for engines that:

(i) Are subject to the standards of 40 CFR part 94;

(ii) Are exempted from the requirements of 40 CFR part 94 by exemption provisions of 40 CFR part 94 other than those specified in 40 CFR 94.907; or

(iii) Are marine engines (as defined in 40 CFR part 94) with rated power at or above 37kW that are manufactured in calendar years in which the standards of 40 CFR part 94 are not yet applicable.

(5) *Hobby engines*. This part does not apply for engines with a per-cylinder displacement of less than 50 cubic centimeters.

[64 FR 73330, Dec. 29, 1999]

EFFECTIVE DATE NOTE: At 69 FR 39212, June 29, 2004, § 89.1 was amended by adding paragraph (b)(6), effective Aug. 30, 2004. For the convenience of the user, the added text is set forth as follows:

§ 89.1 Applicability.

* * * * *

(b) * * *

(6) *Tier 4 engines*. This part does not apply to engines that are subject to emission standards under 40 CFR part 1039. See 40 CFR 1039.1 to determine when that part 1039 applies. Note that certain requirements and prohibitions apply to engines built on or after January 1, 2006 if they are installed in stationary applications or in equipment that will be used solely for competition, as described in 40 CFR 1039.1 and 40 CFR 1068.1; those provisions apply instead of the provisions of this part 89.

§ 89.2 Definitions.

The following definitions apply to part 89. All terms not defined herein have the meaning given them in the Act.

Act means the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*